

**Remarks**

The Corrected Examiner's Answer mailed September 15, 2009 has been received and reviewed. Claims 1, 8, 15, 23, 30, 37, 41, and 46-52 having been amended, and no claims having been canceled or added herein, the pending claims are claims 1-3, 5-17, 19-25, 27-32, 34-43, and 45-80.

Independent claims 1, 8, 15, 23, 30, 37, 41, and 46-52 have been amended to recite that the polar or polarizable group is selected from the group consisting of hydroxy; thio; amido; cyclic ether; phosphine; amine; ammonium; oxyacid of C, S, P, or B; salt of an oxyacid of C, S, P, or B; thiooxyacid of C, S, P, or B; and salt of a thiooxyacid of C, S, P, or B. The amendments are supported by the specification at, for example, page 8, line 29 to page 9, line 8.

Reconsideration and withdrawal of the rejections are respectfully requested.

**Rejections under 35 U.S.C. §103(a)**

The Examiner rejected under 35 U.S.C. §103(a) claims 1-3, 5, 8-11, 14-17, 19, 22, 30-32, 34, 36-43, 45-48, 50-64, and 69-80 as being unpatentable over Mitra et al. (U.S. Patent No. 5,888,491) in view of Majeti et al. (U.S. Patent No. 7,025,950); claims 6-7, 12-13, 20-21, 23-25, 27-29, 49, and 65-68 as being unpatentable over Mitra et al. in view of Majeti et al., and further in view of Aasen et al. (U.S. Patent No. 4,871,786); and claims 30-32, 34-35, 37-43, 45, 50-52, and 60-80 as being unpatentable over Rozzi et al. (U.S. Patent No. 5,607,663) in view of Majeti et al. Independent claims 1, 8, 15, 23, 30, 37, 41, and 46-52 having been amended, Applicants respectfully traverse these rejections.

In all the rejections, the Examiner relied on Mitra et al. or Rozzi et al. for disclosing a methacrylic acid ester, alleging that the ester group is a polar group (e.g., page 8, lines 14-15 of the Corrected Examiner's Answer mailed September 15, 2009). Applicants respectfully disagree for at least the reasons recited in the Reply Brief submitted May 7, 2009. For example, Applicants respectfully submit that it would be abundantly clear to one of skill in the art, particularly in view of the present specification and the specifications of Mitra et al. and/or Rozzi

et al., that the ester group in a poly(alkylmethacrylate) is not a polar group as described in the present specification.

However, in the interest of expediting the prosecution of the present application, independent claims 1, 8, 15, 23, 30, 37, 41, and 46-52 have been amended to recite that the polar or polarizable group is selected from the group consisting of hydroxy; thio; amido; cyclic ether; phosphine; amine; ammonium; oxyacid of C, S, P, or B; salt of an oxyacid of C, S, P, or B; thiooxyacid of C, S, P, or B; and salt of a thiooxyacid of C, S, P, or B. As such, Applicants respectfully submit that the rejections under 35 U.S.C. §103(a) have been obviated.

For at least this reason, Applicants respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness for claims 1-3, 5-17, 19-25, 27-32, 34-43, and 45-80 (as amended) being unpatentable over the cited combinations of art.

In view of the amendments and remarks presented herein, reconsideration and withdrawal of the rejections under 35 U.S.C. §103(a) are respectfully requested.

**Amendment and Response**

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For: DENTAL WHITENING COMPOSITIONS AND METHODS

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**Summary**

It is respectfully submitted that all the pending claims are in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted

By

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**CERTIFICATE UNDER 37 CFR §1.8:**

The undersigned hereby certifies that this paper is being transmitted via the U.S. Patent and Trademark Office electronic filing system in accordance with 37 CFR §1.6(a)(4) to the Patent and Trademark Office addressed to the Commissioner for Patents, Mail Stop Amendment, P.O. Box 1450, Alexandria, VA 22313-1450, on this 13<sup>th</sup> day of November, 2009.

By: 

Dani Moroz

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